

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

JAMES HERMAN STEVENSON, JR.

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Case No. 4:98cr86  
(Judge Schell)

## **REPORT AND RECOMMENDATION** **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 19, 2012, to determine whether Defendant violated his supervised release. Defendant was represented by Ron Uselton. The Government was represented by Maureen Smith.

On June 18, 1999, Defendant was sentenced by the Honorable Paul Brown to two hundred and eleven (211) months' custody followed by five (5) years of supervised release for the offense of Possession with the Intent to Distribute or Dispense Cocaine Base, Conspiracy to Posses with Intent to Distribute Cocaine Base, and Use or Carrying a Firearm During and in Relation to a Drug Trafficking Crime. On March 12, 2008, the term of imprisonment was reduced to one hundred and eighty-one months. On March 28, 2008, Defendant completed his period of imprisonment and began service of his supervised term.

On December 16, 2011, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated two mandatory conditions. Violation one was dismissed by the Government. The petition also alleged violation of the following mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment

and at least two periodic drug tests thereafter, as directed by the probation officer.

The petition alleges that Defendant committed the following acts with regard to allegation two: (1) On February 14, 2011, and April 21, 2011, Defendant submitted urine specimens that tested positive for cocaine. Defendant admitted to said use; and (2) On November 22, 2011, Defendant submitted a urine specimens that tested positive for cocaine. Defendant denied said use but Alere Laboratory confirmed said positive.

Prior to the Government putting on its case, Defendant entered a plea of true to allegation two.

### **RECOMMENDATION**

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Texarkana Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

**SIGNED this 20th day of January, 2012.**

  
AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE